

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-010588

12/19/2016

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
D Arrieta
Deputy

SUN GROVES HOMEOWNERS
ASSOCIATION, THE

GREGORY A STEIN

v.

MICHAEL ROBERTS

ERIN SELENE IUNGERICH

ROGER A BURRELL

MINUTE ENTRY

The court has received a Motion for Reconsideration that was filed on behalf of plaintiff The Sun Groves Homeowners Association. The court is unable to grant that motion, even in part, without allowing for a response. Ariz. R. Civ. P. 7.1(e).

Therefore, the court requests that, not later than 21 days from the date of entry of this Minute Entry, a response should be filed by any party who wishes to oppose the motion. In so doing, the court is not suggesting in any way that it has already decided how it will rule. By asking for the response, the court is simply saying that it would like the benefit of the opposing view.

It seems that the response can be straight-forward. Either defendant Michael Roberts is willing to stipulate to the amount of damages asserted in Sun Groves' motion for summary judgment or he is not. There is no need to spend time briefing whether the evidence that Sun Groves has now had two opportunities to submit is sufficient to warrant summary judgment. To the extent that the motion for reconsideration requests a third opportunity, the motion is denied. To the extent that the motion requests an evidentiary hearing, the motion is denied because the presentation of evidence is more appropriate for mandatory arbitration where the summary

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judgment standard will not influence the decision. Meanwhile, Sun Groves' attorneys may wish to contact Roberts' attorneys in an attempt to resolve this matter without court intervention.

No reply in support of the motion for reconsideration should be filed unless requested.
Ariz. R. Civ. P. 7.1(e).